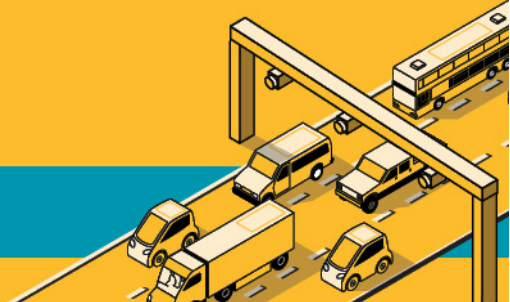


# I-205 Toll Project

## MEMORANDUM



**Date** September 1, 2021

**To** Lucinda Broussard, Roy Watters, Carol Snead, and Robert Hadlow (ODOT)

**From** Donald D. Pattee, M.A., RPA and Aimee Finley, M.S., Applied Archaeological Research, Inc. (AAR)

**Subject** Historic Properties Methodology Memorandum

**CC**

### INTRODUCTION

This memorandum describes the methods that will be used in the I-205 Toll Project (Project) Environmental Assessment (EA) analysis to evaluate the impacts the Project alternatives may have on historic properties. Historic properties are defined as any "prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on, the National Register of Historic Places (NRHP), including artifacts, records, and material remains related to such a property or resource" [54 U.S.C 300308]. The term also includes properties of traditional religious and cultural significance, which are defined as properties that are eligible for inclusion on the NRHP based on their association with the cultural practices, beliefs, and values of a living community that are rooted in that community's history and are important in maintaining the continuing cultural identity of the community. The analysis and results will be documented in the EA that will be developed to comply with federal guidelines and regulations, including the National Environmental Policy Act (NEPA) and local and state policies, standards, and regulations.

The historic properties analysis will evaluate impacts from the construction, operations, and maintenance of the Project and will identify mitigation measures as needed.

### LEGAL REGULATIONS AND STANDARDS

#### Laws, Plans, Policies, Regulations, and Guidance

The following is a list of federal, state and local laws, regulations, plans, policies, and guidance documents that guide or inform the assessment of historic properties:

- Section 106 of the National Historic Preservation Act (NHPA) of 1966, 16 U.S.C Section 470 et seq. (Implementing regulations are in 36 CFR 800)
- NEPA of 1969, 42 U.S.C Section 4321 et seq. The implementing regulations are 40 CFR 1500-1508
- American Indian Religious Freedom Act of 1978, 42 U.S.C Section 1996

- Section 4(f) of the U.S. Department of Transportation Act of 1966 49 U.S.C Section 101 et seq. (Implementing regulations for Section 4(f) are 23 CFR 774)
- Oregon Revised Statutes (ORS) 358.905-358.961, Archaeological Objects and Sites
- ORS 97.740-97.760, Indian Graves and Protected Objects
- ORS 358.653, Protection of Publicly Owned Historic Properties
- ORS 390.805-390.925, Scenic Waterways
- ORS 390.235-390.240, Permits and Conditions for Excavation or Removal of Archaeological or Historical Material; Removal without Permit; and Mediation and Arbitration of Disputes (implementing regulations are included in Oregon Administrative Rules (OAR) 736-051)
- Oregon Statewide Land Use Planning Goal 5 (Implementing regulations are included in OAR 660-023 and OAR 660-016)

Consultation with affected parties, under Section 106 of the NHPA, will be the responsibility of ODOT.

## **AREA OF POTENTIAL IMPACTS**

Section 106 of the NHPA defines the area of potential effects (APE) for a project as “the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist” [36 CFR Part 800.16(d)]. For consistency with the other Project disciplines, the APE will herein be referred to as the area of potential impacts (API). For the Project, the API for historic properties encompasses the area that could be impacted by the Project Alternatives.

Using recent guidelines provided by the Advisory Council on Historic Preservation, direct effects to historic properties within the API include the physical, visual, and auditory impacts associated with the construction of the tolling gantries; associated signage; and routing associated electrical and communications infrastructure (ACHP 2019). Indirect effects to historic properties include changes in traffic volume, noise, air pollution, and road vibration that may occur on non-freeway roadways where traffic volumes increase as a result of drivers rerouting to avoid tolls once tolling is implemented.

The API for direct impacts to historic properties is defined as the area within 100 feet of the existing I-205 right-of-way between the Stafford Road and Oregon Route 213 (OR 213) interchanges, as shown in Figure 1. This area would encompass direct impacts associated with construction of toll gantries and any associated utility modifications. The final locations of gantries and utilities have not yet been determined, but it is assumed that these improvements would be constructed within 100 feet of the existing I-205 right-of-way between the Stafford Road and OR 213 interchanges.

Memo: Historic Properties Methodology  
September 1, 2021

Indirect impacts to historic properties could occur where there is a substantial change in traffic volumes. Figure 2 shows roadways where there is anticipated to be a 20% or greater change in traffic volumes as a result of implementing tolling. The API for indirect effects to historic properties is defined as the right-of-way of each roadway with an additional 100-foot-wide buffer.

Figure 1. Historic Properties Direct Impacts API

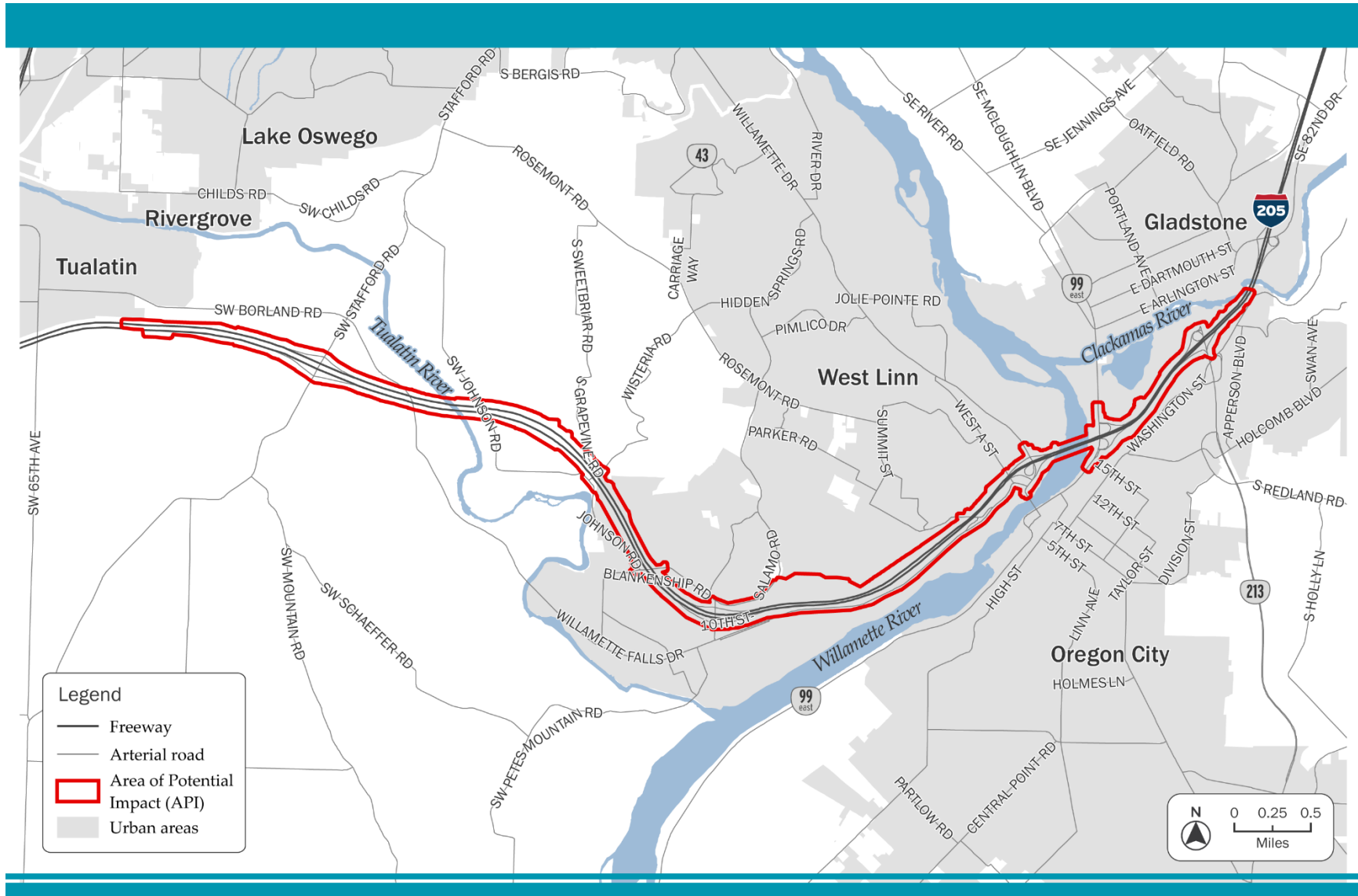
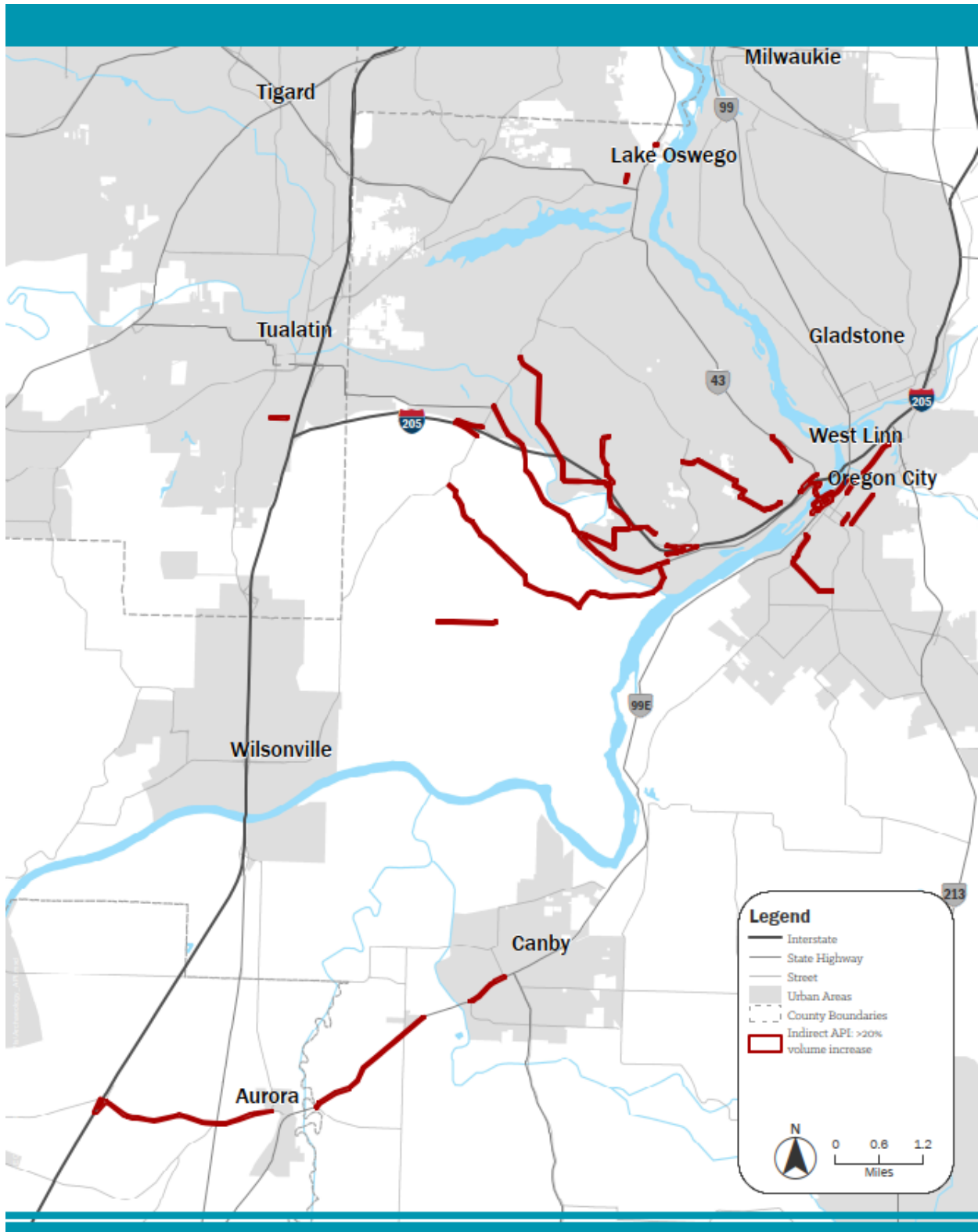


Figure 2. Historic Properties Indirect Impacts API



## **DESCRIBING THE AFFECTED ENVIRONMENT**

### **Published Sources, Databases, and Tribal Comments**

Data used in the 2018 Documented Categorical Exclusion (DCE) prepared for the I-205 Improvements Project will be reviewed to confirm its relevancy and applicability to this study. To identify previously recorded archaeological resources, records on file at the Oregon Archaeological Records Remote Access (OARRA) database managed by the Oregon State Historic Preservation Office (SHPO) will be reviewed. The records search will include identifying archaeological resources that were documented by professional and amateur archaeologists or were recorded based on anecdotal information from local residents.

To identify previously recorded historic structures, pertinent registers, databases, and websites maintained at the local, state, and federal levels will be reviewed. These will include the Oregon SHPO's Historic Sites Database, the NRHP, Oregon City's historic resources webmap of the Canemah and McLoughlin historic districts, the city of West Linn's website that lists historic structures including the Willamette Historic District, and the Willamette Falls and Landings Heritage Area Coalition website that lists the heritage sites within the boundaries of the state designated heritage area.

The research will be supplemented by published historical and cartographic materials to provide an overview of the developmental history of the API including maps prepared by the Sanborn Fire Insurance Company, General Land Office (GLO), United States Geological Survey (USGS), and Metsker Maps. Historic-era aerial photographs taken of the API available from the Clackamas County Tax Assessor will also be reviewed.

Native properties of traditional religious and cultural significance will be identified during the consultation period between the affected tribes and ODOT (see below).

### **Contacts and Coordination**

The I-205 Toll Project may require coordination with multiple consulting parties at the local, state, and federal levels. These may include the cities of Oregon City and West Linn, the Oregon SHPO, affected tribes, the United States Army Corps of Engineers (USACE), the National Park Service (NPS), the Federal Highway Administration (FHWA), Portland General Electric (PGE), Clackamas County, and the Clackamas County Historic Review Board. The consulting parties may change as tolling alternatives are finalized. The FHWA has delegated tribal consultation responsibilities to ODOT as part of the NEPA process. If any historic properties protected under Section 4(f) would be impacted as a result of the Project, coordination with the official that has jurisdiction over the resource(s) will be initiated by the Project's cultural resources consultant (AAR).

### **Field Surveys or Testing**

The natural environment within the API has been heavily modified by road construction and the installation of associated utilities. Much of the ground surface in the API consists of the

paved I-205 roadway and the SW Stafford Road, 10th Street, OR 43, and OR 213 interchanges. Construction of the roadway and interchanges has altered the surrounding area indicated by road cuts, buried utility lines, and traffic fencing. At this time, no archaeological fieldwork is planned as Project alternatives are still conceptual in design.

Once ODOT has consulted with all affected parties and a preferred alternative has been identified, some form of fieldwork may be necessary if the Project improvements (e.g., locations of tolling gantries, locations of signage and utilities, etc.) or increased traffic conditions have the potential to directly or indirectly impact existing pre-contact or historic-era archaeological resources outside of the paved parts of the API. Fieldwork may include a pedestrian survey or subsurface testing.

If the proposed developments have the potential to directly or indirectly impact the historic built environment, then fieldwork may include revisiting NRHP-listed structures, landmarks, and districts to determine if their overall character has been altered since being listed. If it is determined that the Project's proposed developments will impact structures 45 years or older, the fieldwork may include an inventory of the structures and an evaluation of their eligibility for listing on the NRHP.

## **IMPACT ASSESSMENT METHODS**

The impacts analysis will address the long- and short-term, indirect, and cumulative impacts upon historic properties for each of the Project alternatives.

### **Long-Term Impact Assessment Methods**

The analysis of direct long-term impacts to historic properties resulting from the Project will consider the potential for:

- Construction activities related to the installation of toll gantries and utilities to disturb or destroy pre-contact and historic-era archaeological resources
- Toll gantries, associated signage, and increased traffic to permanently alter the viewsheds, setting, and/or defining characteristics of historic properties

It is anticipated that the installation of toll gantries and associated utilities would avoid direct impacts to historic properties. Considering that the location of toll gantries and utilities may not be determined for the EA, the assessment would primarily be qualitative in nature and rely on information collected during a desktop analysis.

### **Short-Term Impact Assessment Methods**

The analysis of direct short-term impacts to historic properties that would occur during Project construction will consider the potential for increased noise, road vibration, traffic, and air pollution to temporarily change the setting and defining characteristics of historic properties.

### **Indirect Impacts Assessment Methods**

The analysis of indirect impacts to historic properties will consider the auditory, visual, and environmental effects, as well the effects of street vibration caused by changes in traffic patterns following the implementation of the tolling along the roadways listed above. The analysis will identify the historic properties (i.e., roads, bridges, communities, structures, sites, and lands used in the contemporary practices of native groups) located along or near the roadways that may be affected by the increased traffic, potentially altering their setting, and defining characteristics for listing on the NRHP. The analysis will also identify the potential for changes in land and economic development patterns to impact historic properties because of tolling.

### **Cumulative Impacts Assessment Methods**

In accordance with ODOT guidance (ODOT 2010), the cumulative impacts assessment will consist of an eight-step process to identify and evaluate cumulative impacts. The long-term, short-term, and indirect impacts identified for historic properties will be used in Step 1 to identify whether the Project has the potential to contribute to cumulative impacts on historic properties when considered in combination with other past, present, and future actions. For those resources studied in the cumulative impact assessment, the direct and indirect impacts identified in the respective technical analysis will also be used in Step 4: "Identify direct and indirect impacts that may contribute to a cumulative impact." See the I-205 Toll Project Cumulative Impacts Methodology Memorandum for additional details on the eight-step process and cumulative impacts methodology.

## **MITIGATION APPROACH**

Potential mitigation measures will be developed if there are adverse effects to historic properties in coordination with all consulting parties. A variety of measures would be considered which would be dependent on the nature of the effect, type of resource, and priorities of the consulting parties. For pre-contact and historic-era archaeological resources, mitigation measures could include documentation of newly identified resources, updating inventory forms of existing sites, development of an inadvertent discovery plan that describes the procedure for treating archaeological finds, and data recovery excavations. For historic structures, mitigation of adverse effects could include completing an Oregon SHPO Clearance Form or an Historic American Buildings Survey (HABS)/Historic American Engineering Record (HAER) documentation for each resource.

## **PERFORMANCE MEASURES**

Table 1 presents a preliminary list of performance measures identified to evaluate how the alternatives compare in terms of impacts and benefits to historic properties.



**Table 1. Preliminary Historic Properties Performance Measures**

<b>Performance Measure</b>	<b>How</b>	<b>Tool and/or Data Source used for Assessment of Measure</b>
Number, type, and location of historic properties (including archaeological sites) directly impacted by the project	Quantitative	Development footprint of the tolling gantries, associated signage, and utilities
Number, type, and location of historic properties (including archaeological sites) indirectly impacted by the project	Qualitative	Information obtained from traffic model showing forecasted changes in traffic volumes that would result from tolling on roadways adjacent to historic properties

Additional performance measures may be identified during the course of analysis.

**REFERENCES**

Advisory Council on Historic Preservation (ACHP). 2019. Recent Court Decision Regarding the Meaning of "Direct" in Sections 106 and 110(f) of the National Historic Preservation Act. Memorandum to ACHP Staff, Washington, D.C.

Oregon Department of Transportation (ODOT). 2010. Environmental Impact Statement Annotated Template, Chapter 4: Cumulative Impacts.